

## SECTION 00120 PROPOSAL EVALUATION AND BASIS FOR AWARD

### 1. GENERAL INFORMATION:

#### 1.1. GENERAL:

- 1.1.1. This solicitation is for Multiple Award Indefinite Delivery, Indefinite Quantity Task Order Contracts (MATOC). The Government intends to award contracts to a maximum of six (6) contracts to qualified offerors deemed responsible in accordance with the Federal Acquisition Regulation (FAR), whose proposals conform to the RFP's requirements and are judged to represent the Best Value to the Government. The Best Value is the most advantageous offer, price and other factors considered, and consistent with the Government's stated importance of evaluation criteria. This may result in award being made to a high-rated, higher-priced offeror where the Contracting Officer determines that the Past Performance and Technical capability of the higher-priced offeror outweighs the cost difference.
- 1.1.2. Evaluation factors consist of Past Performance and Technical considerations, which when combined are significantly more important than cost or Price.
- 1.1.3. The source selection process will be conducted in accordance with FAR Part 15.3, source selection procedures. Offers will be evaluated using the criteria listed in "Evaluation Factors for Award."
- 1.1.4. The Contracting Officer will conduct proposal compliance review after closing for determination of basic proposal adequacy prior to providing the proposals to the board. Failure to provide a complete proposal consisting of all Exhibits, (Exhibits A, B, D, E) required in the 3 Volumes and the Seed Pricing Sheet(s) F, or other applicable F sections, and self-performance form(s) F-1, or other applicable F sections, may result in the proposal being removed from further consideration for award.
- 1.1.5. Noncompliance with the RFP requirements may raise serious questions regarding an offeror's technical and/or cost performance and may be grounds to eliminate the proposal from consideration for contract award. Failure to include all information requested may adversely affect the evaluation. A proposal that merely reiterates or promises to accomplish the requirements of the RFP will be considered unacceptable. A Proposal that is not presented in an orderly format may be considered noncompliant with solicitation instructions, not evaluated, and removed from consideration for award. A proposal that is orderly and sufficiently documented will be easy for the Government to understand and will enable the Government to perform a thorough and fair evaluation.
- 1.1.6. Offerors must ensure that no pricing information is displayed in Binder No. 2 (Volumes 2 and 3, Past Performance and Technical Proposals).
- 1.1.7. Although the assessment of Past Performance as a specific evaluation factor is separate and distinct from the Determination of Responsibility required by FAR Part 9, Past Performance information obtained herein will be used during the Government's responsibility determination. The Government also reserves the right to obtain additional information solely for the purpose of making a responsibility determination from all offerors after receipt of proposals. Requests for responsibility information do not constitute discussions.
- 1.1.8. **ENFORCEABILITY OF PROPOSAL:** The proposal must set forth full, accurate and complete information as required by this solicitation. The Government will rely on such information in the award of a contract. By submission of the offer, the Offeror agrees that all items proposed (if applicable e.g., key personnel, major subcontractors used for past performance, Teaming Arrangements, plans, etc.) will be utilized for the duration of the contract and any substitutions will require prior Contracting Officer's approval.

- 1.1.9. The offeror shall be held responsible for the validity of all information supplied in his/her proposal, including that provided by potential subcontractors. Should subsequent investigation disclose that the fact and conditions were not as stated, the proposal may be rejected.
- 1.1.10. The Government reserves the right to reject any or all proposals at any time prior to award if such action is in the Government's best interest; negotiate with any or all offerors; award a contract to other than the offeror submitting the lowest price(s) or highest technically rated; and award contracts to offerors submitting a proposal determined by the Government to be the most advantageous to the Government.
- 1.1.11. Service Disabled Veteran Owned Business (SDVOSB) will be checked for eligibility through the applicable **Vetbiz and SAM** databases. To qualify as a Joint Venture under the SDVOSB program, each party to the joint venture must be a small business and one of the parties, the managing participant, must be an SDVOSB as applicable. Joint Ventures must be verified in Vetbiz and SAM databases. Further determination of whether or not the joint venture, as an entity, qualifies as a small business depends on the dollar value of the proposed contract. SDVOSB Contractors and Joint Ventures shall be verified by CVE prior to proposal submission.

## 2. EVALUATION FACTORS AND BASIS FOR AWARD:

- 2.1. Evaluation factors consist of Past Performance and Technical considerations, which when combined are significantly more important than cost or Price. The firms that represent the best value to the Government will be selected for award of a MATOC basic contract. To arrive at a Best Value decision, the Source Selection Authority will integrate the evaluation of Past Performance, Technical and Price; Past Performance and Technical, when combined, are significantly more important than Price.
- 2.2. The **Government intends to evaluate proposals and award a contract without discussions with offerors (except clarifications as described in FAR 15.306(a))**. Therefore, the offeror's initial proposal should contain the offeror's best terms from a cost or price and technical approach. The Government reserves the right to conduct discussions if the Contracting Officer later determines them to be necessary. If the Contracting Officer determines that the number of proposals received exceeds the number at which an efficient competition can be conducted, the Contracting Officer may limit the number of proposals receiving a complete evaluation to the greatest number that will permit an efficient competition among the most highly rated proposals.
- 2.3. The Government reserves the right to waive informalities and minor irregularities in offers received. If a minor clerical error has occurred, then the offeror may be given an opportunity to correct the minor error within the constraints of the "clarifications" process.

## 3. PAST PERFORMANCE EVALUATION:

- 3.1. The Past Performance proposal evaluation will consider such things as an offeror's business practices, customer relationship, and ability to successfully perform as proposed and other considerations considering currency, relevancy, sources, context, and trends. Past Performance includes current on-going (present) performance.
- 3.2. The Government will conduct a confidence assessment based upon the Past Performance of the offeror as it relates to the probability of successful accomplishment of the work required by the solicitation.
- 3.3. The Past Performance evaluation will include, but is not limited, to the following:
  - 1) Quality- Management and Workmanship
  - 2) Timeliness and adherence to schedule
  - 3) Specification compliance, business practices , Customer relationship, Ability to successfully perform
  - 4) Safety
  - 5) Infection Control

6) Overall customer satisfaction

- 3.4. To conduct the performance confidence assessment, the Government may use data provided by the offeror, and data obtained from other sources. The Government may do but is not limited to the following: evaluate present and past performance information through the use of questionnaires completed by the offeror's references; use data independently obtained from other Government or commercial sources, including, but not limited to, Government databases; rely upon personal business experience with the offeror; and use the information provided in the Offeror's Past Performance Relevancy Questionnaires (Exhibit A).
- 3.5. The evaluation will also consider information provided relative to corrective actions taken to resolve problems on past or existing contracts and trends in performance.
- 3.6. The evaluation may take into account Past Performance information regarding predecessor companies, key personnel who have relevant experience, or Teaming Partners that will perform major or critical aspects of the requirement when such information is relevant to this acquisition.
- 3.7. Past Performance information on contracts not listed by the offeror, or that of planned subcontractors, may also be evaluated. The Government may contact references and contact parties other than those identified by the offeror, and information received may be used in the evaluation of the offeror's Past Performance. While the Government may elect to consider data obtained from other sources, the burden of providing current accurate and complete Past Performance information rests with the offeror. The Government reserves the right to obtain and evaluate Past Performance information from any source it deems appropriate.
- 3.8. An offeror with no Past Performance may receive a rating based on the evaluation of its predecessor companies, key personnel, and/or Teaming Partners, provided an Exhibit B has been executed and included in the proposal for proposed subcontractors and/or potential key personnel not employed by the contractor. These ratings may have the same weight as the ratings of the proposing company. If such information is not applicable (i.e., the offeror does not have a predecessor company, key personnel or subcontractors with relevant experience), the offeror shall be evaluated as "Neutral". However, the proposal of an offeror with no relevant Past Performance history, while rated "Neutral" in Past Performance, may not represent the most advantageous proposal to the Government and thus, may be an unsuccessful proposal when compared to the proposal of other offerors. Offerors without previous Government contracts shall be rated neutral in the area of compliance with small business concerns requirements.
- 3.9. Currency, Relevancy, Trends: The Government will consider the currency, relevancy and trends of the performance information while conducting its performance evaluation. Exhibit As may be used for this purpose.
  - 3.9.1. For the purpose of this solicitation, currency is performance occurring within the last five (5) years through the solicitation release date. Within this period, performance occurring later in the period may have greater significance than work occurring earlier in the period. For example, performance information for work occurring during 2013 may have greater importance than performance information for work occurring during 2010.
    - 3.9.1.1. In assessing relevancy, the Government may evaluate an offeror's references for similarity of the construction methods to the scope of this solicitation, multi-discipline, scope/type of contracts/projects, cost magnitude of projects as it relates to price, area of consideration requested, client type and location of work performed as it relates to the location(s) of work to be performed under this contract. Performance on managing multiple projects at one time may also be considered.
    - 3.9.1.2. The Government may consider an offeror's previous contracts in the aggregate in determining relevancy, should the offeror's present and past performance lend itself to this approach. For example, an offeror's work experience on three contracts may, by definition, represent only a *semi-relevant* effort when each contract is considered as a stand-alone effort. However, when these

contracts are performed concurrently (in part or in whole) and are assessed in the aggregate, the work may more accurately reflect *a relevant* effort.

- 3.10. In accordance with FAR 15.306(a)(2), if award will be made without conducting discussions, offerors may be given the opportunity to clarify certain aspects of their proposals, e.g., the relevance of an offeror's Past Performance information and adverse Past Performance information to which the offeror has not previously had an opportunity to respond, or to resolve minor clerical errors.<sup>1</sup>

#### 4. TECHNICAL PROPOSAL EVALUATION

4.1. The evaluation of each Technical Proposal will evaluate and measure the ability of the offeror to effectively manage multi-discipline construction projects, provided in response to the submission requirements specified in Section 00110 and Exhibit E. The Government will determine, based on the information provided, if the offeror has demonstrated the ability to perform construction projects as required by the solicitation.

4.2. The evaluation will be divided into six (6) subfactors. Subfactors one (1) through six (6) are of equal importance. An overall rating will be assigned for subfactors one (1) through six (6).

- 1) Capability and Experience
- 2) Organization and Key Personnel
- 3) Quality Control
- 4) Scheduling Methodology
- 5) Safety
- 6) Infection Control

##### 4.2.1. **Capability and Experience:**

4.2.1.1. Using the information on Exhibit E, and the projects/contracts discussed and listed in Exhibit A (Volume 2) the Government will evaluate the quality and extent of related experience, and determine if the offeror has the experience to manage general construction projects, and medical health care facility construction projects, which are comparable to the work requirements of this solicitation.

4.2.1.2. To meet the requirements of the RFP, the proposal must demonstrate that the offeror has experience with management of construction projects, and medical health care facility construction projects, as well as the capability to perform multiple projects at one time.

4.2.1.3. An offeror who has the capability to perform both as a prime contractor for multi-discipline projects and self perform a major element of construction, for example, Electrical, or Mechanical or Roofing may be afforded additional consideration in the evaluation.

4.2.1.4. The proposal should discuss questions concerning capability and plans for meeting Government requirements and should address as a minimum, but not limited to, the following:

4.2.1.4.1. Section 00800 SC4 Ordering Procedures For Competitive Task Orders, including, but not limited to, the emergency response requirements specified in this special contract requirement (SC); and

4.2.1.4.2. Performance of Work by Contractor and/or Limitations On Subcontracting. Proposal demonstrates self-performance capabilities for the seed project. (Exhibit F-1 of the seed project(s) may be used to determine compliance with SC18 requirements.)

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4.2.1.4.3. The discussion of the technical and administrative capabilities demonstrates these are adequate to meet contract requirements within the offeror's chosen area of consideration.

4.2.1.4.4. The proposal includes a letter from the offeror's surety company addressing ability to obtain bonding and the limits of bonding capacity to include per project and aggregate. NOTE: Offeror shall have sufficient bonding capacity for the range of task orders from \$2k - \$10M. Failure to submit surety letter or failure to have the necessary bonding capacity will disqualify an offeror for award consideration.

#### 4.2.2. **Organization and Key Personnel**

4.2.2.1. The Government will evaluate the offeror's answers to Exhibit E questions and attachments concerning overall organization, organization chart, as well as number of personnel and the duties of proposed technical staff to determine if offeror has the ability to manage projects within the areas of consideration chosen without significant difficulty. The specific criterion proposed (skill levels, experience, and background) for personnel, if adequate, is an indicator of an acceptable organization.

4.2.2.2. The narrative should adequately address functions, responsibilities and authorities for performing such duties as overall project management, site superintendence, quality control, safety, administration and in-house trade capabilities.

4.2.2.3. The proposal should demonstrate that the quality control staff, with lines of authority, is adequate to meet the contract's requirements.

4.2.2.4. If applicable, the support and interface with home office or corporate headquarters for such aspects as financial, management and technical support are adequately defined.

4.2.2.5. **Key Personnel** - The Government will evaluate the offeror's answers to Exhibit E questions and attachments concerning proposed personnel for the following functions, as a minimum:

4.2.2.5.1. Project management, site superintendence, quality control manager, and safety, as well as the list of any Teaming Partners who will be utilized throughout the life of the contract.

4.2.2.5.2. A resume or information provided for each proposed personnel should be included and detail background, education, and experience and is indicative of acceptable experience.

4.2.2.5.3. Personnel must meet any applicable experience qualifications included in the special contract requirements or specifications. Letters of intent are provided where required.

4.2.2.5.4. The proposed Teaming Partners, applicable for multi-discipline consideration, are verifiable, and information provided indicates a good professional relationship. Teaming Partners shall have completed Exhibit B in Volume 2, to be considered.

#### 4.2.3. **Scheduling methodology**

4.2.3.1. The Government will evaluate the offeror's answers to Exhibit E questions and attachments concerning scheduling methodology to determine if they have scheduling processes that ensure completion and control of the project from beginning to the end of the project.

4.2.3.2. The proposal should demonstrate an understanding of the limitations of a schedule as well as an understanding that an appropriate schedule will result in successful completion of projects.

4.2.3.3. Proposal adequately describes capability to meet Critical Path Method (CPM) format requirements and demonstrates, with a sample schedule, the ability to appropriately utilize this method of scheduling.

#### **4.2.4. Quality Control**

4.2.4.1. The Government will evaluate the offeror's answers to Exhibit E questions and attachments concerning proposed quality control activities for compliance with the requirements of the solicitation Section 01451.

4.2.4.2. The proposal's quality control discussion should adequately detail the offeror's policy with regard to QC and how the offeror intends to achieve this standard.

4.2.4.3. The Quality Control discussion should provide a detailed explanation of how quality issues are dealt with on various types of construction projects. (Note: The proposed Quality Control Plan, if provided, will not be evaluated).

#### **4.2.5. Safety Activities**

4.2.5.1. The Government will evaluate the offeror's answers to Exhibit E questions and attachments concerning proposed safety program, including, but not limited to:

4.2.5.1.1. Training and documentation including employees with 30-hours or 10-hours OSHA training.

4.2.5.1.2. Proposal demonstrates familiarity with, and/or plans to adhere to, OSHA standards, and standard State OSHA safety requirements, if applicable. (Note: The proposed Safety Plan (if provided) will not be evaluated).

4.2.5.1.3. Proposal demonstrates that the company has no more than three serious, or one repeat, or one willful OSHA or EPA violation(s) in the past three years and has an Experience Modification Rate (EMR) of equal to or less than 1.0. Any documented accidents or violations shall include documentation regarding corrective action.

#### **4.2.6. Infection Control**

4.2.6.1. The Government will evaluate the offeror's answers to Exhibit E questions and attachments concerning proposed infection control program, to determine if offeror has the ability to comply with the requirements for Infection Control as outlined in the attached document titled: Infection Control Guidelines.

4.2.6.1.1. The proposal demonstrates the ability to comply with the requirements for Infection Control as outlined in the attached document titled: Infection Control Guidelines.

4.2.6.1.2. The proposal addresses, at a minimum, supervision, employee responsibilities, work practices, training, materials and equipment, and risk assessment methods.

**5. PRICE EVALUATION** - The purpose of the Price/cost evaluation is to provide an assessment of the reasonableness of the proposed price/cost in relation to the solicitation requirements. Proposals will be evaluated in the following manner.

5.1 The purpose of the Price/cost evaluation is to provide an assessment of the reasonableness and realism of the proposed price/cost in relation to the solicitation requirements. The Government evaluation team will conduct a Price evaluation of each offeror's Seed Project Price proposal(s) to determine whether or not each proposal complies with the stated criteria:

5.1.1 Complete – The proposal contains costs to perform all tasks required by the Statement of Work (SOW)/Specifications.

5.1.2 Realistic – The compatibility of proposal costs with scope of work and level of effort.

5.1.3 Reasonable – The price is determined fair and reasonable using cost or price analysis techniques described in FAR 15.404.

- 5.2 In accordance with FAR 15.408(l), since it is anticipated that an award will be based on adequate price competition, the RFP will include the provision at 52.215-20, *Requirements for Cost or Pricing Data or Information Other Than Cost or Pricing Data*. In accordance with this clause, offerors are not required to submit certified cost and pricing data. However, this clause does allow the Government to request cost information necessary to support cost realism in accordance with FAR 15.404-1(d).
- 5.3 The Government will conduct an evaluation of each offeror's seed project price proposal to determine whether or not each proposal complies with the stated criteria: "Reasonableness" and "Realism". If the proposed price is determined to be reasonable and realistic a GO rating will be given. If found to be unreasonable and/or unrealistic, a NO GO rating will be assigned to the Price evaluation factor.
- 5.4 The Contracting Officer reserves the right to award a MATOC IDIQ contract to an offeror with a NO GO price rating if found to be in the best interest of the Government.
- 5.5 Those proposals evaluated as not satisfying all of the price/cost criteria may be eliminated from consideration for award unless the Contracting Officer determines:
- 5.5.1 A minor clerical error has occurred, in which case the offeror may be given an opportunity to correct the minor error within the constraints of the "clarifications" process, or
- 5.5.2 The Contracting Officer determines discussions are required.
- 5.6 REASONABLENESS - Reasonableness of an offeror's proposal is evaluated through cost or price analysis techniques as described in FAR Subpart 15.305(a) (1) and (4). For cost (Price) to be reasonable, it must represent a cost (Price) that provides best value to the Government when consideration is given to prices in the market, (market conditions may be evidenced by other competitive proposals), and technical and functional capabilities of the offeror.
- 5.7 REALISM - The cost (Price) must reflect what it would cost the offeror to perform the effort if the offeror operates with reasonable economy and efficiency. Proposals unrealistically high or low in price, when compared to the Government estimate, and market conditions evidenced by other competitive proposals received, may be indicative of an inherent lack of understanding of the solicitation requirements and may result in proposal rejection without discussion.
- 5.7.1 Any inconsistency, whether real or apparent, between proposed performance and price must be clearly explained in the Price proposal. For example, if unique and innovative approaches or conditions are the basis for an unbalanced and or inconsistently priced proposal, the nature of these approaches and their impact on price must be completely documented.
- 5.7.2 The evaluation of cost realism evaluates a company's ability to price accurately. While the overall price may be fair and reasonable, the individual cost elements (electrical, HVAC, etc.) may be unbalanced. If a discrepancy is found on individual cost elements a contractor may receive a "NO GO" rating.
- 5.7.3 If the proposed price is determined to be materially unbalanced or outside of other offers, or ranges outside of the Government estimate, a "NO GO" rating may be given.
- 5.8 Discounts: Prompt payment discounts will not be considered in the evaluation of offers. However, any offered discount will form part of the award, and resulting delivery orders. Discounts will be taken if payment is made within the discount period indicated in the offer by the offeror. As an alternative to offering a prompt payment discount in conjunction with the offer, offerors awarded delivery orders may include prompt payment discounts on individual invoices.

## 6. CONTRACT AWARD

6.1 The Government reserves the right to award a MATOC to an offeror at an individual order maximum dollar level lesser than requested if deemed in the best interest of the Government. Individual order maximum may increase in option years at the sole discretion of the Contracting Officer, based on demonstrated capability.

6.2 **AWARD:** A written award or acceptance of offer mailed, or otherwise furnished to the successful offeror within the time for acceptance specified in the offer shall be deemed to result in a binding contract without further action by either party.

6.3 **SEED PROJECT:** The seed project of this solicitation will be evaluated and may be awarded within the acceptance period specified in this solicitation as a task order(s) against the awarded MATOC contract, at the sole discretion of the Contracting Officer, and subject to availability of funds without further discussion. In the event the Government elects to award a seed project, award of the seed project will be made to the contractor awarded a MATOC who provides the lowest reasonable price. The Government will evaluate offers for award purposes by including ONLY the price for the BASE Item. Deduct Alternates will not be included in the evaluation for award purposes.

6.3.1 In the event the Government does not award a seed project pursuant to this solicitation within 120 calendar days after receipt of proposals and an award will be made without discussions, the following will apply: “The Government reserves the right to allow offerors to make an adjustment in their price proposals to allow pricing adjustments caused by fluctuating construction material market conditions. The Contracting Officer will notify Offerors, normally by electronic mail (email) of a common closing date for receipt of the adjusted price proposals. No additional proposal revisions will be allowed under these conditions. This does not constitute and shall not be construed as discussions, or the Government may reissue the project for pricing after award of the basic contracts.

6.4 **DEBRIEFINGS:**

6.4.1 Offerors excluded from the competitive range, should one be established or otherwise excluded from the competition before award may submit a written request for a debriefing to the Contracting Officer in accordance with FAR 15.505.

6.4.2 Written requests for debriefing will not be accepted by facsimile or email. Submitted means delivered to the Contracting Officer at the location indicated on the SF 1442 for receipt of proposals. Ensure you direct your request to the correct contracting office.

6.4.3 After award, unsuccessful offerors may submit a written request for a debriefing to the Contracting Officer in accordance with FAR 15.506.

6.4.4 Written requests for debriefing will not be accepted by facsimile or email. Submitted means delivered to the Contracting Officer at the location indicated on the SF 1442 for receipt of proposals. Ensure you direct your request to the correct contracting office.

**End of Section 00120**